

Danner, Ward

From: Jennifer DENICOLA <jd18@me.com>
Sent: Thursday, July 10, 2014 9:20 PM
To: Armann, Steve
Cc: Scott, Jeff; Huetteman, Tom; Johnson, Ivry; Cami Winikoff; Hope Edelman; Blumenfeld, Jared; Ken Miller; Paula Dinerstein; PEER Jeff Ruch
Subject: Re: Another approval authorizing inplace management of PCB source material

Dear Steve,

Jeff Scott said you have access to these documents (much easier than I do). We should not need to do a FOIA for these. You should be more than happy to provide us a balanced and complete picture of what the EPA in different regions have agreed to with other schools. Not that any of these agreements are legal precedence for Malibu as they are only agreements between the 2 parties regarding specific sites. But if you, as a representative of the EPA are sharing a very one sided perspective that supports avoiding TSCA violation, a law that the EPA is tasked to enforce, then there is a serious problem.

During Jared's visit, he specifically stated that, "the regulatory threshold is 50. We care after 50. I said at the beginning of the meeting if it's above 50 and we've tested it, it's got to be removed."

Does 15 years of leaving PCBs in place seem reasonable for 4 classrooms? There is no current district plan to remove doors and windows (not even the one held up at the coastal commission that Jan Maez keeps referring to) and it could take years for a building plan in Malibu. This idea of 15 years of doing nothing is egregious! These are children we are talking about. Drop the politics and use common sense; require the district to test the building materials to know what we are dealing with and then lets make a sane and rational plan to remove any PCBs that violate federal law. Lets act swiftly and with great care to ensuring no further exposure occurs to any child and any teacher. Read your letters written Nov 20th, 2013 and Jan 20th 2014 which clearly state the position of testing the caulking.

And the idea that a pilot study can be conducted by Environ of managing PCBs in place with BMP without first identifying the source of the PCBs is also egregious. How can you talk about success of manage in place if you don't know what you are managing, not just the extent of it but the levels of PCBs, if any are there? Come on! Layman can see how flawed this plan is. How can the EPA take a stand to ignore the very law that they are tasked to enforce? So far, you have only sent us consent agreements to help substantiate this erroneous plan.

So we ask again, would you kindly send any agreements made between a school and the EPA region 1 or 2 other than the NYC proposal, because we have that one. You have easy access to these documents and we greatly appreciate your assistance in getting them to us.

Thank you,
Jennifer deNicola, President
Malibu Unites

On Jul 10, 2014, at 3:36 PM, Armann, Steve <Armann.Steve@epa.gov> wrote:

Jennifer, since our EPA Regional office does not have any school agreements, I requested assistance from our Freedom of Information Act officer on how to proceed with your request. She recommended that you submit a FOIA request using the link below.

<https://foiaonline.regulations.gov/foia/action/public/home>

Please call me if you have any questions. I will be off tomorrow and back in the office on Monday morning. Thanks.

Steven S. Armann, Manager
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Email: armann.steve@epa.gov

From: Jennifer DENICOLA [<mailto:jd18@me.com>]

Sent: Thursday, July 10, 2014 11:36 AM

To: Armann, Steve

Cc: Scott, Jeff; Huettelman, Tom; Blumenfeld, Jared; Hope Edelman; Ken Miller; Paula Dinerstein; PEER Jeff Ruch; Cami Winikoff

Subject: Re: Another approval authorizing inplace management of PCB source material

Steve,

Thank you for this one document. What I would like is every agreement the EPA has made with all schools that are either elementary, middle school, or high school. I want to see the range of agreements that are made. Even though these arrangements are not legal and binding in the court of law and can not be used as legal precedence for any other schools. They are individual agreements made between two parties about their site specific circumstances. As such, these agreements should not be used as precedent for a proposed solution to Malibu's specific PCB issue.

I could show you plenty of schools that tested all the sources found out where all the building material PCB issues were and then developed a plan to either remove immediately or managing place as a temporary (1-2 year) means before full Removal happened. But all schools must have a removal plan as per Tsca because it is illegal to keep PCBs in place over 50 ppm. And this includes University of Massachusetts that you are trying to prove to me is the reason a 15 year plan of managing in place, which is in the inappropriate thing for the EPA to be justifying. The EPA is tasked with enforcing Tosca under the rules and regulations set forth by Congress. Region one's approval of University of Massachusetts his plan is actually very detailed and very strict. If you actually read the document, they are removing windows every single year. They have started the remediation process but removing 900 windows from a school is not a one or two year plan and they have predicted 15 years to have them all removed. They have put into place many precautionary measures to encapsulate or isolate PCB issues while they're waiting to remove those windows. This plan also states that this solution is appropriate because only adults use this building and no children. There

are hefty fines for not following through with the plan as stated and attached to the agreement. So the idea that the University of Massachusetts is managing PCBs in place for 15 years and doing nothing is not accurate and Environ has misrepresented Using University If Massachusetts as a viable plan to follow. University of Massachusetts is a graduate school that has adults that use these facilities for up to two years in addition to the teachers. No one is mandated to attend. This does not compare to an elementary school, middle school and high school where children are mandated to be in schools and exposure to children is far worse than adults. Their issue is mostly window glazing. They tested all their sources and they know exactly what they are dealing with and therefore made a plan to remediate the entire school and they know it will take quite a long time because it start such an extensive project. Malibu has five rooms to remediate immediately. There is no comparison.

The EPA cannot accept this Malibu High plan that was submitted July 3rd. Not only is it irresponsible to the students and teachers at Malibu High that have been exposed to PCBs that the district has known about for four years and did not inform the parents or teachers that this exposure was occurring, nor does it follow scientific process of identification and testing to identify toxic materials, but It doesn't even address the minimum requirements that the EPA sent in the January 27, nic 20th, 2013 or the June 4 letter as well as the email that Jeff Scott sent me in June stating that the minimum requirement expected in this plan is a cleanup for the current TSCA violations. And Managing place is not remediation.

So please send me ALL plans for public schools, not just the ones that substantiate environs inappropriate and irresponsible plan to manage PCBs in place without a plan to remove them.

Jennifer deNicola

Malibu Unites

www.MalibuUnites.com

Sign Our Petition to Remove Toxicants from Schools

<http://goo.gl/sKR30F>

On Jul 10, 2014, at 10:36 AM, "Armann, Steve" <Armann.Steve@epa.gov> wrote:

Jennifer, Jeff mentioned that you were interested in other primary education facilities where EPA has authorized PCB sources to remain in place. Attached is the approval for Southington that allows them to manage a vapor barrier material containing greater than 50 ppm in place ... provided they have a monitoring plan.

This is the same school that recently started renovation and you sent us a newspaper article on.

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<Southington Schools Approval.pdf>